

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Rules and Regulations Implementing) CC Docket No. 92-90
the Telephone Consumer Protection)
Act of 1991)

COMMENTS

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Sprint Communications Company L.P. ("Sprint"), pursuant to the Public Notice released by the Commission on October 6, 1995 (DA 95-2030), hereby comments on MCI's Petition for Clarification or, in the Alternative, Reconsideration of the Commission's Memorandum Opinion and Order adopted on July 26, 1995 (FCC 95-310). In support thereof Sprint states as follows.

In the Report and Order in this docket, 7 FCC Rcd 8752 (1992), the Commission adopted rules to govern unwanted telephone solicitations. Specifically, with respect to facsimiles, §64.1200(a)(3) prohibits the transmission of unsolicited advertisements by telephone facsimile machines, and §68.318(c)(3) requires "an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual." In its Memorandum Opinion and Order on reconsideration, the Commission

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clarified "that the entity or entities on whose behalf facsimiles are transmitted are ultimately liable for compliance with the rule banning unsolicited facsimile advertisements, and that fax broadcasters are not liable for compliance with this rule" (at para. 35). The Commission continued that the providers of facsimile broadcast services "must ensure that their own identifying information appears on fax broadcasts" (id.).

MCI argues that it is inconsistent with §68.318 to require identification on the facsimile of both the facsimile broadcast service provider and the entity (or entities) on whose behalf the facsimile is being transmitted. MCI also argues that dual identification will be confusing to the public. Sprint agrees with MCI's arguments.

The Memorandum Opinion and Order states that liability for compliance with §64.1200(a)(3) rests with "the entity or entities on whose behalf facsimiles are transmitted" (id.). Identifying information of the entity or entities having liability for compliance with the rule is therefore required on the facsimile. If a violation of §64.1200(a)(3) occurs, the recipient of the facsimile has the sender's name and a telephone number to initiate a contact or complaint.

Since the fax broadcasters have no liability, there would seem to be no reason for their identifying information

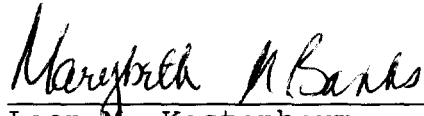
to appear on the facsimile in addition to that of the sender. The recipient of the facsimile has no reason to contact the fax broadcaster and no need for the fax broadcaster's telephone number. Further, §68.318(c)(3) requires a single identification, that of "the business, other entity or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual." Thus, there is no rationale for requiring identifying information of the fax broadcaster, nor is there any basis in §68.318(c)(3).

Sprint also agrees with MCI that consumers will be confused as to who is responsible for the content of the message if there is identifying information for both the entity sending the message and the fax broadcaster on the facsimile. Having the telephone number of the fax broadcaster on the facsimile will lead to misdirected contacts and complaints and will require consumers to spend additional time resolving their complaints.

Sprint therefore urges the Commission to clarify, or in the alternative, reconsider its requirement that the fax broadcaster's identifying information appear on the facsimile and to specify that fax broadcasters are not required to comply with the statutory identification requirements.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.

A handwritten signature in cursive script, reading "Marybeth M. Banks". The signature is written in dark ink and is positioned above a horizontal line.

Leon M. Kestenbaum

Marybeth M. Banks

1850 M Street, N.W., Suite 1110

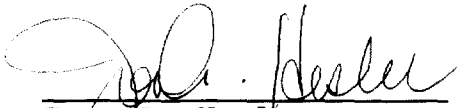
Washington, D.C. 20036

(202) 857-1030

October 20, 1995

CERTIFICATE OF SERVICE

I, Joan A. Hesler, hereby certify that on this 20th day of October, 1995, a true copy of the foregoing document was served first class mail, postage prepaid, or hand delivered, upon each of the parties listed below.


Joan A. Hesler

Scott Shefferman
Common Carrier Bureau
Network Services Division
Room 6008D
Federal Communications Comm.
2025 M Street, N.W.
Washington, D.C. 20554

International Transcription
Service
1919 M Street, N.W.
Washington, D.C. 20554

Mary J. Sisak
Donald J. Elardo
MCI Communications
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006